

Appl. No. 10/672,414  
Docket No. 9369  
Amdt. dated November 6, 2009  
Reply to Office Action mailed on August 12, 2009  
Customer No. 27752

## REMARKS

### Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by clarifying that the fibrous structure product comprises an embossment and the exterior package housing comprises a non-verbal cue that communicates the embossment of the fibrous structure product and the ingredient of the fibrous structure product. Support for this amendment is found within the Specification.

Claims 1-3, 7-9, 19, and 20 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

### Rejection Under 35 USC §112, Second Paragraph

Claims 1-3, 7-9, and 19-20 are rejected by the Examiner under 35 USC §112, Second Paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that Claim 1, the independent claim, as amended is not indefinite. Further, Applicants submit that Claims 2-3, 7-9, and 19-20, which ultimately depend from Claim 1, as amended, are not indefinite.

### Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211 combined with WO 96/32248 and U.S. Patent No. 6,601,705

Claims 1-3, 7-9, and 19-20 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 6,221,211 to Hollenberg, et al. ("Hollenberg") combined with WO 96/32248 to Kimberly-Clark Tissue Company ("KC"), and U.S. Patent No. 6,601,705 to Molina, et al. ("Molina"). The Examiner asserts that Hollenberg teaches a multi-ply tissue product containing indicia to indicate the presence of some unique ingredients within the tissue product. The Examiner asserts that KC teaches an embossed multi-ply tissue product. The Examiner asserts that Molina

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teaches a package for personal care articles wherein the package comprises a graphic that has a distinctive color that indicates a particular performance of the personal care product within the package.

Applicants respectfully submit that Hollenberg combined with KC and Molina fails to teach each and every element of Claim 1, the independent claim, as amended, because Hollenberg combined with KC and Molina fails to teach an embossed tissue product that is housed within a package that comprises a non-verbal cue that communicates the embossment of the fibrous structure product and the ingredient of the fibrous structure product. Applicants submit that Molina's graphic (a color) does not communicate any visual property of its product, let alone any embossment on its product, nor does it communicate an ingredient within its product. Therefore, Applicants submit that Claim 1, as amended, is not rendered obvious over Hollenberg combined with KC and Molina. MPEP 2143.03. Further, Applicants submit that Claims 2-3, 7-9, and 19-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hollenberg combined with KC and Molina. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211 combined with GB 2,255,745, and U.S. Patent No. 6,601,705

Claims 1-3, 7-9, and 19-20 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hollenberg, discussed above, combined with GB 2,255,745 to Kent Paper Products ("Kent") and Molina, discussed above.

Applicants respectfully submit that Hollenberg combined with Kent and Molina fails to teach each and every element of Claim 1, the independent claim, as amended, because Hollenberg combined with Kent and Molina fails to teach an embossed tissue product that is housed within a package that comprises a non-verbal cue that communicates the embossment of the fibrous structure product and the ingredient of the fibrous structure product. Applicants submit that Molina's graphic (a color) does not communicate any visual property of its product, let alone any embossment on its product, nor does it communicate an ingredient within its product. Therefore, Applicants submit that Claim 1, as amended, is not rendered obvious over Hollenberg combined with Kent and Molina. MPEP 2143.03. Further, Applicants submit that Claims 2-3, 7-9, and 19-20,

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which ultimately depend from Claim 1, as amended, are not rendered obvious over Hollenberg combined with Kent and Molina. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211 combined with U.S. Patent No. 4,325,768, and U.S. Patent No. 6,601,705

Claims 1-3, 7-9, and 19-20 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hollenberg, discussed above, combined with U.S. Patent No. 4,325,768 to Schulz (“Schulz”) and Molina, discussed above.

Applicants respectfully submit that Hollenberg combined with Schulz and Molina fails to teach each and every element of Claim 1, the independent claim, as amended, because Hollenberg combined with Schulz and Molina fails to teach an embossed tissue product that is housed within a package that comprises a non-verbal cue that communicates the embossment of the fibrous structure product and the ingredient of the fibrous structure product. Applicants submit that Molina’s graphic (a color) does not communicate any visual property of its product, let alone any embossment on its product, nor does it communicate an ingredient within its product. Therefore, Applicants submit that Claim 1, as amended, is not rendered obvious over Hollenberg combined with Schulz and Molina. MPEP 2143.03. Further, Applicants submit that Claims 2-3, 7-9, and 19-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hollenberg combined with Schulz and Molina. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over any combination of U.S. Patent No. 6,221,211, WO 96/32248 and U.S. Patent No. 6,601,705, the combination of U.S. Patent No. 6,221,211, U.S. Patent No. 4,325,768, and U.S. Patent No. 6,601,705, each combination is further in view of U.S. Patent No. 6,905,697

Claims 7-9 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over any combination of Hollenberg, KC, Molina, and Schulz, and further in view of U.S. Patent No. 6,905,697 to Baummöller, et al. (“Baummöller”).

Applicants submit that Claims 7-9, which ultimately depend from Claim 1, as amended, are not rendered obvious over any combination of Hollenberg, KC, Molina, and Schulz, all discussed above, and further in view of Baummöller for the same reasons that

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Claim 1, as amended, is not rendered obvious over Hollenberg, KC, Molina, and Schulz.  
MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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Date: November 6, 2009  
Customer No. 27752  
(Amendment-Response to Office Action.doc)  
Revised 02/09/2009